

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY MARTIN SANDERS,

Defendant.

NO. CR16-173-RSM

ORDER DENYING DEFENDANT'S MOTION
TO ARREST JUDGMENT AND SENTENCE

This Court having reviewed the Defendant's Motion to Arrest Judgment for Lack of Jurisdiction (Dkt. 91), and the Government's Response in Opposition to the Motion (Dkt. 92), and Defendant's Reply to Government's Response (Dkt. 93), hereby denies the motion because Defendant failed to move to arrest judgment within 14 days after he entered his guilty pleas, as required by Fed. R. Crim. P. 34(b), and otherwise failed to show prejudice resulting from any alleged failure to follow Fed. R. Crim. P. 10. Defendant entered guilty pleas on March 10, 2017 (Dkt. 80), but did not file the instant motion until February 6, 2019, almost two years later.

Further, even construing the underlying motion as a habeas petition under 28 U.S.C. § 2255, it is time barred because it was not filed within the one-year period of limitations.

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1 See 28 U.S.C. § 2255(f). Defendant's time to file a motion under Section 2255 expired in
2 late July 2018, more than six months before he filed the instant motion.

3 For the foregoing reasons, Defendant's Motion to Arrest Judgment is DENIED.

4 DATED this 11th day of March, 2019.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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15 Presented by:

16 s/J. Tate London

17 J. TATE LONDON

18 Assistant United States Attorney
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